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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

**MEETING MINUTES:**

**BOARD OF PROFESSIONAL LAND SURVEYORS**

**DATE AND TIME:**

**August 15, 2013 at 8:30 a.m.**

**PLACE:**

861 Silver Lake Boulevard, Dover, Delaware  
**Conference Room A**, second floor of the Cannon Building

**APPROVED:**

September 19, 2013

**MEMBERS PRESENT**

James Bielicki, Jr., Professional Member, Chairman  
Franco R. Bellafante, Professional Member, Vice-Chair  
Charles Adams, Jr., Professional Member  
Kenneth Monroe, Public Member  
Mark Rosenthal, Public Member, Secretary  
Thomas Plummer, Public Member

**DIVISION STAFF**

Kevin Maloney, Deputy Attorney General  
Amanda McAtee, Administrative Assistant II

**MEMBERS ABSENT**

**PUBLIC**

**CALL TO ORDER**

Mr. Bielicki called the meeting to order at 8:36 a.m.

**Review and Approval of Minutes**

Mr. Plummer made a motion, seconded by Mr. Monroe, to approve the June 20, 2013 minutes as amended. By unanimous vote, the motion carried.

**Unfinished Business**

**Continued Workshop Review**

**Possible amendment to Title 25, Chapter 3 regarding survey requirements for conveyances**

Mr. Bielicki questioned if the Board was good with the synopsis. The Board made no changes. Mr. Maloney would put the amendment into final Bill form and bring to the next meeting. After the Board approved the final form it would advance to the Division of Professional Regulation (DPR) and DPR would review the Bill and if they endorsed it, it would be forwarded to legislative hall for the next session.

## **Complaint Status**

### **Re-Review of Application**

#### **Robert Telschow – West Virginia**

Mr. Bellafante stated that West Virginia required an eight year minimum combination of responsible charge and educational requirements, those requirements exceeded Delaware. Mr. Bellafante made a motion, seconded by Mr. Plummer, to approve the application for licensure by reciprocity contingent with Mr. Telschow passing the Delaware State drainage exam.

Mr. Bellafante suggested striking the sentence on the application instructing reciprocity applicants to skip filling out the experience chart. After discussion, Ms. McAtee would revamp the application to state, "if the applicant is not in a contiguous state to submit your experience." Ms. McAtee would bring the application to the next meeting for approval.

## **NEW BUSINESS**

### **Courses for Continuing Education Approval**

#### **Surveyors Historical Society (SHS)**

#### **SHS Rendezvous 2013 (Educational Presentations) – 7 PDH**

Mr. Plummer reviewed the PDH application from Surveyors Historical Society (SHS) for the approval of the SHS Rendezvous 2013 (Educational Presentations). After discussion, Mr. Plummer made a motion, seconded by Mr. Bellafante, to approve the educational presentation for a total of 7 PDHs as requested. By unanimous vote, the motion carried.

#### **Stephen L. Johns**

#### **NBI – Eminent Domain from Start to Finish – 6 PDH**

Mr. Plummer reviewed the PDH application from Stephen L. Johns for the approval of the course NBI – Eminent Domain from Start to Finish. Mr. Plummer stated that the course was a video presentation and there was no continuous mutual interaction. After discussion, Mr. Plummer made a motion, seconded by Mr. Rosenthal, to deny the course for a total of 6 PDHs as requested due to non-mutual communication as required by Rule 10.3.2. By unanimous vote, the motion carried.

Mr. Bellefonte stated that he was recently asked by a licensee if there was Board discussion on accepting online courses. Mr. Adams thought that the Board was going to explore that option but had not heard anything. Ms. McAtee stated that the Board could explore this at their next meeting. Ms. McAtee suggested that the Board explore online course offerings and discuss at the next meeting their feelings on accepting online courses for PDH credit. Mr. Bielicki agreed and requested that the topic be added to the next agenda.

### **Review of Application for Licensure by Examination – None**

### **Review of Application for Licensure by Reciprocity – None**

### **Review of Application for Surveyor Intern – None**

### **Review of Waiver for 2013 Continuing Education Requirement**

**Ratification of Issuance of Land Surveying Certificate of Authorization**

**Alan O. Kent Land Surveying LLC**

Mr. Adams felt that it was a conflict of interest for a State employee to hold a private practice.

Ms. McAtee stated that the certificate of authorization had been issued by DPR because it met the requirements for a certificate of authorization and that this agenda item was a ratification of the already issued certificate. The Board's statute and Rules and Regulations did not prevent a state employee from holding a private practice and securing a certificate of authorization. After discussion, Mr. Rosenthal made a motion, seconded by Mr. Monroe, to ratify the application of certificate of authorization for Alan O. Kent Land Surveying LLC. By majority vote, with Mr. Adams opposed, the motion carried.

**Review of Land Surveying Certificate of Authorization – None**

**Review of Audits – None**

**Complaint Assignments and Status – None**

**Wall Certificates**

**Bruce R. McKenna**

Mr. Bielicki and Mr. Monroe signed the wall certificate for Bruce R. McKenna.

**Correspondence**

**NCEES – Automatic or manual approval process for the FS examinees for CBT**

Ms. McAtee stated that she received an email from NCEES asking if the Delaware Board would be following an automatic or manual approval process for the Fundamentals of Surveying (FS) examinees when the exam moved to CBT in January 2014. Mr. Maloney stated that he had not discovered anything in the Board's Rules and Regulations or Statute that would require a person to apply for approval to sit for the exam. Mr. Maloney stated that in Rule 7.0 the Board adopted the administration and passing scores adopted by NCEES. Therefore, the Board had delegated the administration of the exam to NCEES. Mr. Bielicki stated that the Board would adopt the automatic approval process for FS exams.

**Douglas Loewer – License Renewal**

Mr. Bielicki stated that he did meet the extenuating circumstances and the Board would grant the extension but could not grant online credits. The Board could only grant PDHs for courses that would be approved by the Board according to their Rules and Regulations. Mr. Adams stated that he would need to recuse himself from voting since he used to work with Mr. Loewer and Mr. Loewer had retired. After review and discussion, Mr. Bielicki made a motion, seconded by Mr. Monroe, to grant Mr. Loewer a twelve month extension to complete the 24 PDHs as required for renewal. By majority vote, with Mr. Adams abstained, the motion carried.

**Executive Discussion – None**

**OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)**

**92<sup>nd</sup> NCEES Annual Meeting**

Mr. Bielicki stated that he was going to attend the annual meeting and that there were two motions that were being presented at the annual meeting for vote. He presented the Board with the two motions that were going to be voted on at the meeting. Mr. Bielicki stated that if anyone had comments to please send them to him and he would take the comments to the annual meeting since he would be able to speak and present feedback from the Board at the annual meeting.

Random Renewal Audit Scheduled for 2013 Renewal

Ms. McAtee stated that licenses expired on June 30, 2013 and that it was now time to initiate the random audit. She questioned the Board how they would prefer to handle their audit. Some Boards delegate authority to the liaison to review audit materials and some Boards prefer to review audits themselves. Mr. Bielicki stated that the Board would prefer to review their own audits. Ms. McAtee stated that she would initiate the audit through the operations department and would bring audits to the Board as they were received. Ms. McAtee also explained that the Division now had an administrative hearing officer unit and all audits found deficient or non-responsive would be forwarded to the hearing officer for a hearing.

**PUBLIC COMMENT**

No public comment.

**NEXT MEETING**

The next meeting of the Board is September 18, 2013 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**ADJOURNMENT**

There being no further business before the Board, Mr. Rosenthal made a motion, seconded by Mr. Adams, to adjourn the meeting at 11:18 a.m. By unanimous vote, the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*